

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

TYREESE OVERLY,

Petitioner,

v.

CIVIL ACTION NO. 5:24-cv-00615

W. HOLZAPFEL,

Respondent.

**ORDER**

Pending is Petitioner Tyreese Ovely's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [ECF 1], filed October 28, 2024. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R [ECF 8] on May 22, 2025, recommending that the Court deny as moot Mr. Overly's Petition and dismiss this civil action from the Court's docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent

objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on June 9, 2025. No objections were filed.<sup>1</sup>

Accordingly, the Court **ADOPTS** the PF&R [ECF 8], **DISMISSES as moot** the Petition for Writ of Habeas Corpus [ECF 1], and **DISMISSES** the matter.

The Court **DIRECTS** the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: June 16, 2025



*Frank W. Volk*

Frank W. Volk  
Chief United States District Judge

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<sup>1</sup> On May 22, 2025, a copy of the PF&R was mailed to Mr. Overly at FCI Beckley but was returned as undeliverable on June 9, 2025. [ECF 9]. At this writing, the Bureau of Prisons’ Inmate Locator indicates Mr. Overly was released from custody on April 17, 2025. Inasmuch as Mr. Overly has failed to keep the Court apprised of his current address as required by *Local Rule of Civil Procedure* 83.5, this matter is ripe for adjudication.